



# STAFF REPORT

## AGENDA ITEM: 13

**CASE NUMBER:** S.U.P. 18-15

**L.U.C.B. MEETING:** August 9, 2018

**LOCATION:**

2554 Mt. Moriah Road: north side of Mt. Moriah Road,  
312 feet east of the intersection of Mt. Moriah Road with  
Mt. Moriah View

**COUNCIL DISTRICT(S):**

District 3, Super District 8-Positions 1, 2 & 3

**OWNER:**

2554 Mt. Moriah LLC.

**APPLICANT:**

Budget Rent A Car of Memphis

**REPRESENTATIVE:**

Cindy Reaves, SR Consulting, LLC

**REQUEST:**

Vehicle Rental

**AREA:**

1.307 Acres

**EXISTING LAND USE & ZONING:** Vacant building with parking in the Commercial Mixed Use-3 (CMU-3) District

### CONCLUSIONS

1. The site (2554 Mt. Moriah Road) contains a former fast food restaurant located on the east side of Mt. Moriah Road, approximately 213 feet east of the Mt. Moriah Road and Mt. Moriah View intersection.
2. The site is located in one of the automobile corridors in the City of Memphis, the Mt. Moriah Autoplex.
3. The applicant is requesting a Special Use Permit to allow vehicle rental for Budget Rent a Car. The developer will utilize the existing building and parking with minor updates.
4. The applicant intends to provide 15 rental cars on site. Rental cars will be delivered to the site by employees who will drive the cars to the site or by customers returning cars to the site.
5. Based upon a site visit to 2554 Mt. Moriah Road, review of the site plan and the applicant's responses to the special use permit criteria provided on page 26 of this staff report, OPD finds the use is consistent with other uses in the Mt. Moriah Autoplex and will not have a substantial or an adverse effect upon adjacent properties or the general area.
6. This application represents a reinvestment in this area. The application takes a vacant building and puts it back into a productive use that is in character with other automobile related uses in the general area.

### RECOMMENDATION

*Approval with 15 Conditions*

**Staff Writer:** Marion Jones

**E-mail:**

[marion.jones@memphistn.gov](mailto:marion.jones@memphistn.gov)

## VICINITY MAP



The site is highlighted in orange.

### List of Property Owners

Lot #	Owners Name
1	Hackmeyer Properties
2	Wall Revocable Trust
3	Longhorn LLC
4	Nasr Investment LLC
5	Pelham Circle LLC
6	Pelham Circle LLC
7	M And M Motors LLC
8	Faulkenbery Joe
9	Mathis Family Revocable Living Trust
10	Faulkenbery Joe
11	Mathis Family Revocable Living Trust
12	Chase Properties LLC
13	Brandon Bob E
14	DMB Holding I LLC
15	DMB Holding I LLC
16	Chuck Hutton Company

The map displays the following zoning districts and labels:

- Top Left:** MORIAH WOODS, R-6, OG, PD07-337, PD05-310, R-8.
- Top Center:** INTERSTATE 240, Quince, INTERSTATE 240, BILL MORRIS.
- Top Right:** LYFORD, R-15.
- Center:** MOUNT MORIAH, AMERICAN, SCOTT SWAY, MOUNT MORIAH, MENDENHALL.
- Left Side:** SUP05-201, SUP08-224, 2240, BOA93-058, CA, BOA92-080, SUP10-229, PD83-001, OG(FP), PD96-335, R-6, OG, CA, R-6(FP).
- Center-Right:** BOA73-106, BOA72-147, CA(FP), SUP02-203, BOA72-260, BOA74-167, CA, PUD 0-88, CA, CMU-3, R-6, CA, CA(FP), CMU-3(FP), CA(FP), CA, R-6, BOA96-068.
- Right Side:** Shelby Farms/Germantown, Z90-104, R-6, CA.

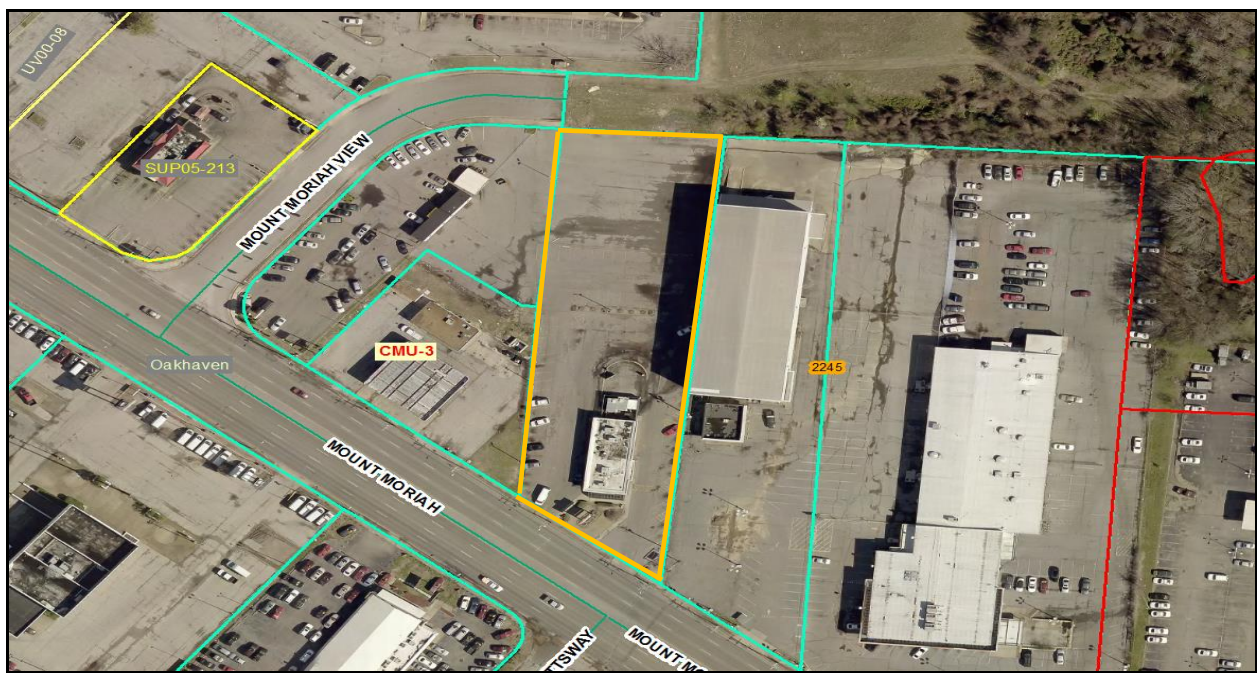
## Surrounding Uses of Land and Zoning

South: Across Mt. Moriah Road, a vacant building and vehicles sales in the Commercial Mixed Use-3 (CMU-3) District.

West: Convenience store with gasoline sales and vehicle repair in the Commercial Mixed Use-3 (CMU-3) District.



**Bird's Eye View**





**PICTURES**



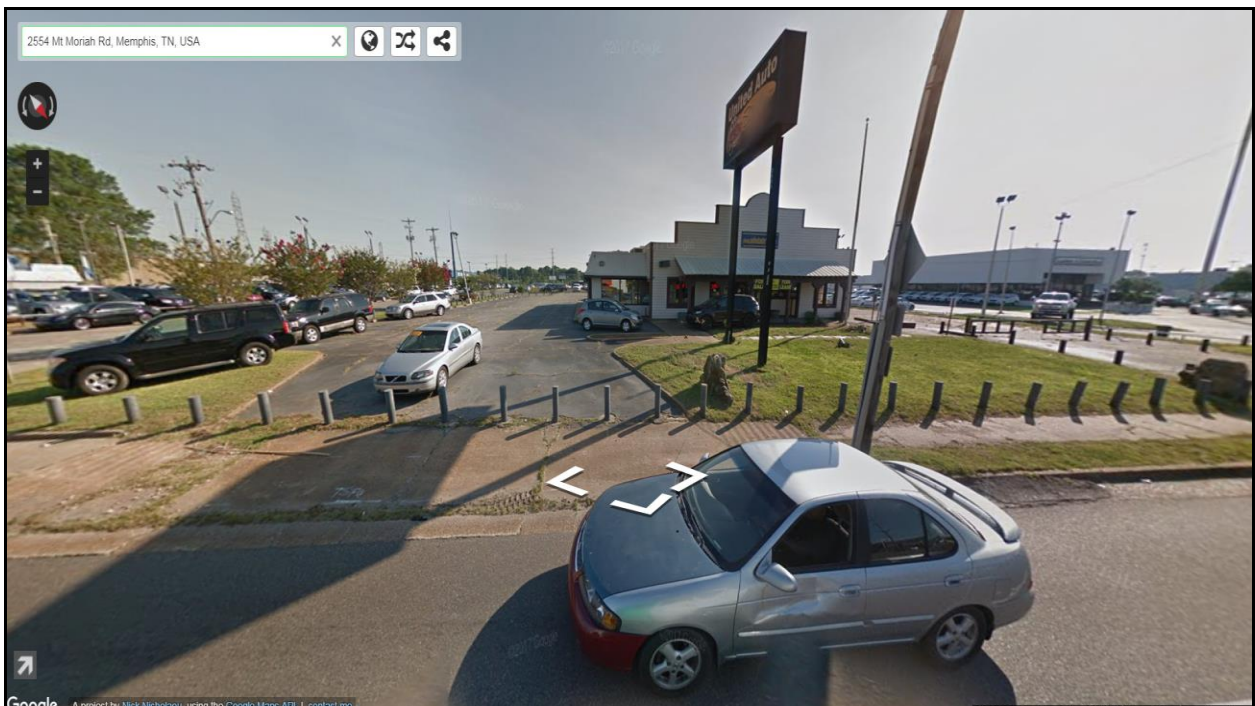
Looking west on Mt. Moriah Road toward Interstate 240



Looking east on Mt. Moriah Road

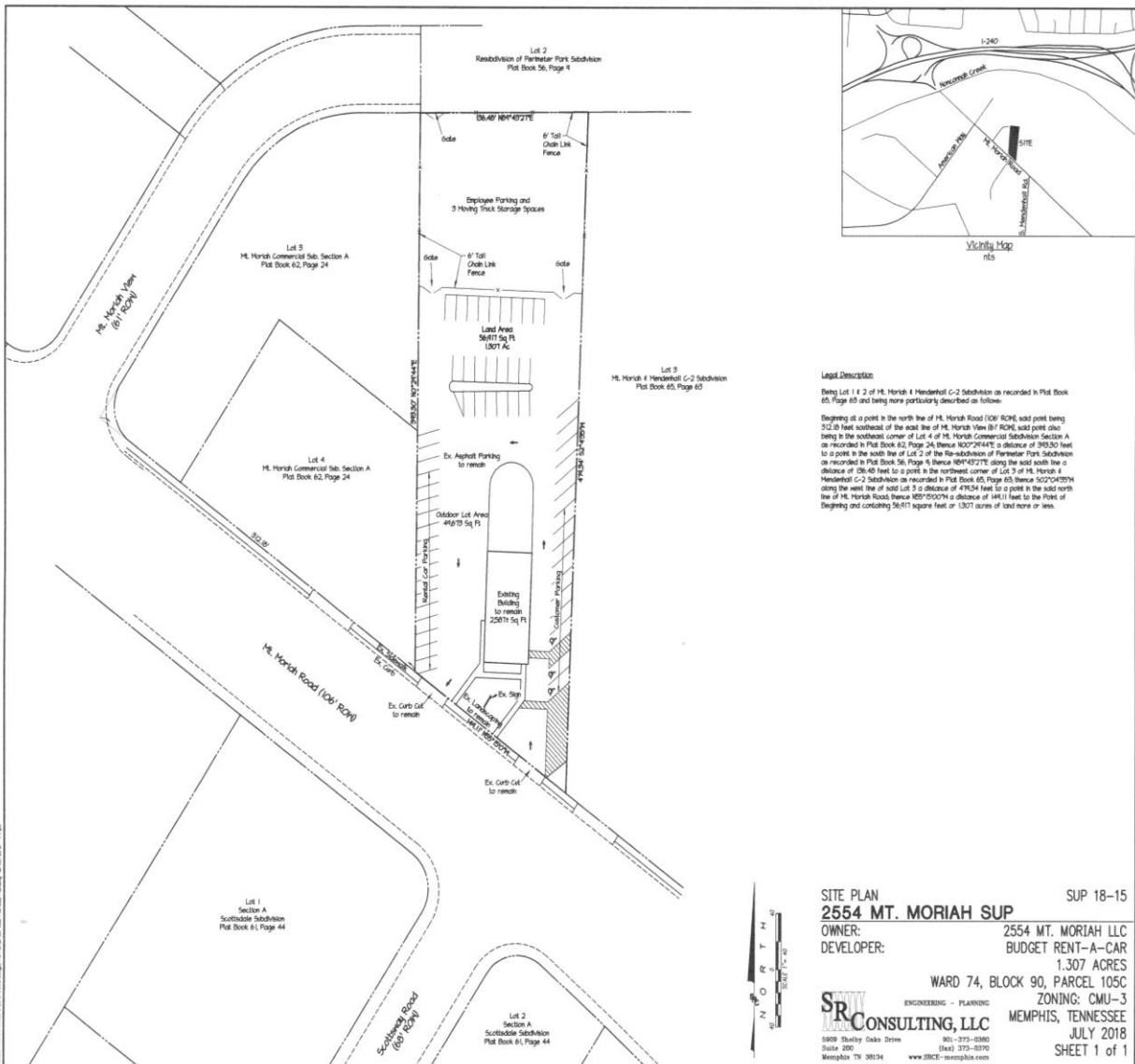


North side of Mt. Moriah Road including the site



South side of Mt. Moriah Road. The site is now vacant.

**SITE PLAN**



Lot 2  
Resubdivision of Parimeter Park Subdivision  
Plat Book 56, Page 9

136.40' N04°43'21"E

Gate

6' Tall Chain Link Fence

Employee Parking and 3 Moving Truck Storage Spaces

Gate

6' Tall Chain Link Fence

Gate

Land Area  
56,917 Sq Ft  
1.307 Ac

312.10'

Lot 3  
Mt. Moriah Commercial Sub. Section A  
Plat Book 62, Page 24

Lot 4  
Mt. Moriah Commercial Sub. Section A  
Plat Book 62, Page 24

312.10'

Ex. Asphalt Parking to remain

Outdoor Lot Area  
41,673 Sq Ft

Existing Building to remain  
2,507± Sq Ft

Customer Parking

Ex. Sign

Ex. Landscaping to remain

Ex. Curb Cut to remain

Ex. Curb Cut to remain

Ex. Curb Cut to remain

Ex. Sidewalk

Ex. Curb

Lot 3  
Mt. Moriah 4 Mendenhall G-2 Subdivision  
Plat Book 65, Page 63

471.34' S24°55'W

114.11' N05°15'00"W

106' ROW

106' ROW



[illegible]

9

### **Public Notice**

26 public notices were mailed on Thursday, July 26, 2018. 29 Correction notices were mailed on Monday, July 30, 2018 to correct the public hearing date.

Public Notice Sign: Per the affidavit below, a sign was posted on July 23, 2018.

AFFIDAVIT

Shelby County  
State of Tennessee


I, Cindy Reaves, being duly sworn, depose and say that at 6:32 pm on the 23<sup>rd</sup> day of July, 2018 I posted one Public Notice Sign pertaining to Case No. SUP 18-15 in front of the property located at 2554 Mt Moriah providing notice of a Public Hearing before the August 9, 2018 Land Use Control Board for consideration of a proposed Land Use Action (Special Use Permit), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy J. Reaves  
Owner, Applicant or Representative

07/24/2018  
Date

Subscribed and sworn to before me this 24 day of July, 2018.

[Signature]  
Notary Public  
My commission expires: 1-20-2020





Sign posted along the front of Mt. Moriah.



**Neighborhood Meeting:** The Neighborhood Meeting was held on July 23, 2018 at the McFarland Community Center, 4995 Cottonwood Road (38118), at 6 PM.

**Neighborhood Meeting Sign-In Sheet**

The applicant, his family and his representative were the only people to attend the Neighborhood Meeting.

**Google Instant Street View of the SITE**



The site is the former Wendy's fast food restaurant shown in the photograph above.

**STAFF ANALYSIS**

The site contains a former fast food restaurant located on the north side of Mt. Moriah Road, approximately 213 feet east of the Mt. Moriah Road and Mt. Moriah View intersection. The property is basically rectangular in shape and contains 1.307 acres in size. The site contains approximately 149' of frontage along Mt. Moriah Road, an urban principal arterial with 106' right-of-way. The property is zoned Commercial Mixed Use-3 (CMU-3). The site is located in one of the automobile corridors in the City of Memphis, the Mt. Moriah Autoplex.

**Request**

The applicant's letter of intent states:

We are requesting a Special Use Permit to allow vehicle rental for Budget Rent a Car. The developer will utilize the existing building and parking with

minor updates.

The site is developed and contains an existing building that was used as a former fast food restaurant. Parking and landscaping exist on the site.

The applicant's site plan on page 8 of this staff report shows customers will enter the site from the eastern curb cut. Customer parking will be located on the eastern side of the site. The handicap accessible parking spaces and crosswalks are located on this side as is a door to the building. The internal circulation is one way and moves from the eastern to the western side of the site. People dropping off customers will drive around the building and exit onto Mt. Moriah using the western curb cut. Rental car parking will be located in the parking spaces located on the western side of the building. Rental car customers will exit the building using the door on the western side of the building. Employee parking and 3 moving trucks will be located behind the 6' tall chain-link fence at the very rear of the site.

The applicant intends to provide 15 rental cars on site. Rental cars will be delivered to the site by employees who will drive the cars to the site or by customers returning cars to the site.

### Review of Request

The UDC requires a special use permit be approved for "all vehicle sales, rental, leasing" except as noted in the table below in the Commercial Mixed-Use-3 (CMU-3) District per the Permitted Use Table, Chapter 2.5 below:

Article 2 Districts and Uses

2.5 Permitted Use Table

2.5.2 Use Table Key

<

The use standard referenced in the table above in Paragraph 2.6.3P(3) applies to "Vehicle Sales and Leasing".



### Commercial Mixed Use-3 (CMU-3) District Requirements

Sub-Section 3.10.2 B provides the bulk regulations for the Commercial Mixed Use-3 (CMU-3) District as described below:

#### **B. Apartment and Nonresidential**

	RW <sup>1</sup>	OG	CMU-1	CMU-2	CMU-3	CBD
<b>Tract or Lot (min)</b>						
Area (sq. ft.)	5,000	--	10,000	20,000	--	--
Width (ft.)	50	100	25	50	50	--
<b>Building</b>						
Height (max ft.) see also 3.2.6	50	125	48	75	75	--
Ground floor area (max sq. ft.) <sup>2</sup>	--	--	15,000	80,000	--	--
<b>Setback (min ft.)</b>						
Front	20	20	20	20	20	None <sup>3</sup>
Side (street)	20	20	20	20	20	None <sup>3</sup>
Side rear abutting single-family	10	10	10	10	10	None <sup>3</sup>
Side/rear abutting multifamily, nonresidential <sup>4</sup>	5	5	5	5	5	None <sup>3</sup>
Side/rear abutting alley	5	5	5	5	5	None <sup>3</sup>
<b>Parking setback (min ft.)</b>						
On street (parallel parking)	0	0	0	0	0	0
From street (no parallel parking)	8	8	8	8	8	8
Abutting single-family	10	10	10	10	10	10
Abutting multifamily, nonresidential, alley	5	5	5	5	5	5

The site contains a vacant building that will be updated and repurposed. The existing building meets and exceeds the setback requirements of the CMU-3 District.

### Access Management

The site contains existing two curb cuts to Mt. Moriah Road

### Parking

Section 4.5.3 requires the following:

<b>Vehicle Sales and Service</b> (see 2.9.4J)	Car wash, self- and full-service	2.0 per bay
	Auto rental, sales or leasing or boat and recreational vehicle sales	1.0 per 500 indoor SF FA, plus 1.0 per 10,000 SF outdoor lot area
	All other uses	5.0 per bay or 1.0 per 250 SF FA, as applicable whichever is greater

Per the Assessor's website, the building was built in 1974 and contains 2,587+/- square feet. Therefore, approximately 11 parking spaces will be required per the UDC based upon the square footage of the building and the approximate size of the outdoor lot area.

Section 4.5.3 F requires:

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20, plus one for each 100, or fraction thereof, over 1000

The applicant is showing 57 striped parking spaces that includes 3 handicap accessible spaces on the east side near the door. The site plan removed the 4 parking spaces closest to the curb cut on the eastern side of the site as requested by the City Engineer's Office in their comment number 13.

#### Landscaping

A Type S-3 Plate is required along the frontage of Mt. Moriah Road. OPD Staff feels the existing landscaping meets the intent of the Type S-3 Plate. The landscape material will be located on the final site plan and identified by the botanical and common name. The spacing of the landscape material will also be provided on the final site plan.



Existing landscaping along Mt. Moriah Road.





Crepe Myrtles, bushes and grass appear to be located on the abutting site to the west.

Item 4.5.5D(2)(a) of UDC requires interior landscaping for “off-street parking areas with six or more parking spaces.” Paragraph 4.5.5D(3) requires:

**3. Interior Islands**

- a. An interior landscaped island must be provided in accordance with the table below, unless otherwise approved by the Planning Director.

Minimum Island Size Square Feet	Frequency per Number of Spaces	Minimum Island Width Inside Curb	Maximum Distance from Other Island	Number of Shrubs 'A' per Trees	Tree Size (Caliper Inch)
450	40	12'	150'	9/1	A or D = 3.0"
300	30	8'	120'	5/1	B or E = 2.5"
150	20	4'	90'	3/1	C or F = 2.0"

As shown on the site plan, there is an existing landscaped island with Crepe Myrtles (Tree C) and grass located behind the building. The island is approximately 67' long and varies in width from 11' to 13' and contains 737'+ square feet. See the photograph on the next page.

Paragraph 4.5.5 D(8) exempts interior islands in areas designated for the rental of cars from the parking lot landscaping requirements provided each island is planted with grass or groundcover. Based on these references from the UDC, OPD Staff feels the applicant has met the interior landscaping requirements of the UDC.



Crepe Myrtles are located in an island in the parking area behind the building.

### Fences

The site plan shows a 6' tall chain link fence that is polyvinyl chloride (PVC) color coated at the rear of the site with two gates in the area designated for employee parking and three moving trucks.

Paragraph 4.6.7E(4) governs the use of Chain-Link Fences:

#### E. Fence and Wall Materials.

1. Permissible Materials. Fences and walls must be constructed of high quality materials, such as decorative blocks, brick, stone, masonry panels, treated wood and wrought iron; and, where permitted, vinyl-coated chain link. Electrified fences, barbed wire or concertina wire fences are not permitted in a residential district.
2. Masonry Walls. Masonry walls shall be constructed to allow the flow of water from one side of the wall to the other.
3. Electrified Fences, Barbed Wire and Concertina Wire Fences. Electrified fences or barbed wire is permitted in any zoning for the keeping of livestock. Barbed wire or concertina wire is permitted in an industrial district provided the barbed wire or concertina wire is located at least eight feet above the ground. Electrified fences are permitted in industrial districts. Electrified fences, barbed wire or concertina wire may be permitted in other non-residential zoning districts through the administrative deviation process (see Chapter 9.21).
4. Chain-Link Fences. Uncoated chain-link fences are not permitted except in the EMP, WD, and IH districts. Chain-link fencing must be galvanized, polyvinyl chloride (PVC) color coated in either black, dark green or dark brown color coatings and part of an evergreen landscape screening system. At the intersection of a driveway and a street and on all corner sites (the intersection of two streets), a clear sight triangle shall be established as set forth in Section 4.4.7.

Sub-Section 4.6.7F permits an administrative deviation.



- F. Administrative Deviation. The Planning Director may permit additional fence material, additional fence height, or reduced setback through the administrative deviation if it is determined that such allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood. Factors to be considered by the Planning Director when making such an administrative deviation shall include the material, height or setback of fencing in the immediate vicinity of the subject site, the classification of the roadway abutting the subject site and the proposed use of the subject site (see Chapter 9.21).

The Zoning Map on page 3 of this report shows no residential zoning or houses that abut the site. The event center (photograph below) abutting the site to the east has an existing galvanized chain-link fence with no PVC coating in the CMU-3 District.

The applicant's fence is primary to secure the vehicles located at the very rear of the site and should not be visible from Mt. Moriah Road. The landscaping on this site, as a whole, can be considered an evergreen landscape screening system for the purpose of Paragraph 4.6.7E(4).



Event Center abutting the site to the east has a chain-link-fence with no PVC coating.





Motor vehicle repair located at the western side of the site behind the BP on Mt. Moriah Road. The site rear is adjacent to Mt. View Road that contains CMU-3 District zoning.

### Signs

The site plan labels an existing sign. The sign itself has been removed and what remains on the site are the sign poles as shown in the photograph below.



Signage for this project will be regulated by UDC Chapter 4.9, Signs.

Special Use Permits Criteria: The following criteria apply to the review of a Special Use Permit.

1. The project will not have a substantial or undue adverse impact on adjacent properties or the area in general;
2. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent properties;
3. The project is served by adequate public facilities;
4. The project will not result in the loss of or destruction of significant natural, scenic or historic properties;
5. The project complies with all additional standards imposed on it by any provisions authorizing such use; and
6. The request will not adversely affect any plans to be considered.

Based upon a site visit to 2554 Mt. Moriah Road, review of the site plan and the applicant's responses to the special use permit criteria provided on page 26 of this staff report, OPD finds the use is consistent with other uses in the Mt. Moriah Autoplex and will not have a substantial or an adverse effect upon adjacent properties or the general area.

This application represents a reinvestment in this area. The application takes a vacant building and puts it back into a productive use that is in character with other automobile related uses in the general area.

**RECOMMENDATION:**     **Approval with 15 conditions including one administrative deviation for fencing**

**SITE PLAN CONDITIONS:**

A Special Use Permit is authorized to permit a vehicle rental facility for a maximum of 20 cars and 3 moving (box) trucks on the property addressed as 2554 Mt. Moriah Road, identified by the survey submitted with the application and the Shelby County Assessor of Property's Office as parcel identification number 074090 00105C and located on the north side of Mt. Moriah Road, approximately 312 feet east of the intersection of Mt. Moriah Road and Mt. Moriah View. Approval of said vehicle rental facility is subject to an approved Final Site Plan with the following conditions listed below:

1. An additional crosswalk shall be provided on the west side of the site in addition to the two crosswalks on the east side of the site shown on the site plan.
2. The use of outdoor intercoms and similar devices that electronically amplify sound is prohibited.

3. The use shall not be open for business during the hours of 11:00 P.M. through 6:00 A.M.
4. The use of string lights and banners is prohibited.
5. Trash collection areas shall be screened on all sides so that no portion of such areas are visible from public streets and adjacent properties. Required screening may include, new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.
6. Permit two curb cuts on Mt. Moriah Road. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
7. The developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of the site as necessary.
8. All existing sidewalks and curb openings along the frontage of the site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City Standards.
9. Parking shall be as shown on the site plan and as required by Section 4.5.2
10. A Type S-3 Plate is required along the frontage of Mt. Moriah Road or equivalent alternative may be approved by the Planning Director or his designee. Any equivalent landscaping shall provide the botanical and common name for all landscape material as well as the location and spacing.
11. Interior landscaping for off-street parking for six or more parking spaces shall comply with Paragraph 4.5.5D(8) or an equivalent alternative may be approved by the Planning Director or his designee. Any equivalent landscaping shall provide the botanical and common name for all landscape material as well as the location and spacing.
12. All landscaping shall be irrigated with a permanent, automatic irrigation system designed to provide efficient irrigation coverage with minimal overspray onto no-landscaped areas. A soil moisture sensing device or other irrigation management system shall be required for irrigation systems in turf areas.
13. Required landscaping shall not be placed over sewer or drainage easements.
14. A 6' tall chain link fence and two gates that is polyvinyl chloride (PVC) color coated as shown on the site shall be permitted at the rear of the site in the area designated for employee parking and three moving (box) trucks.



15. Signage for this project will be regulated by UDC Chapter 4.9, Signs.

## GENERAL INFORMATION

**Street Frontage:** 149.11 feet of frontage on Mt. Moriah Road

**Planning District:** Oakhaven

**Zoning Atlas Page:** 2245

**Parcel ID:** 0794090 00105C

## DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

### City Engineer:

CASE: SUP 18-15 NAME: Budget car rental

1. Standard Subdivision Contract as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.

Roads:

3. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

4. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,

5. This development does not appear to be effected by a project that has been identified by TDOT or the MPO on the LTRP to receive future improvements. However, the applicant is advised to inquire with the MPO, MATA, TDOT and any adjacent railroad authority regarding any future projects that may impact this site.

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5-foot-wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing

right of way width does not allow for a 5-foot clear pedestrian path, an exception may be considered.

7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number of projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for land Development of the City of Memphis Division of Engineering Design and Policy Review Manual.

#### Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.

10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

#### Drainage:

11. Drainage improvements, including possible on-site detention, shall be provided under a Standard

Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.

12. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.

#### Site Plan Notes:

13. The developer shall remove the 4 parking spaces closest to the street near the eastern most curb cut to prevent vehicles backing out into the roadway.

14. The developer shall provide certification to the City Engineer that no trucks will be used to deliver cars to the site. If trucks are to be used, the eastern most curb cut will have to be reconstructed, and the developer's engineer will be required to verify that trucks will be able to utilize the newly designed curb cut and navigate through the property.

15. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.

16. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

General Notes:

17. The width of all existing off-street sewer easements shall be widened to meet current city standards.

18. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

19. Required landscaping shall not be placed on sewer or drainage easements.

**City Fire Division:** No comments received.

**City Real Estate:** No comments received.

**Shelby County Health Department:  
Water Quality & Septic Tank Program** No comments.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

**Memphis Light, Gas and Water  
Address Assignment:** No changes.

**Neighborhood Associations:** No comments received.



## APPLICATION and SUPPORTING DOCUMENTS

### APPLICATION



### Memphis and Shelby County Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

#### APPLICATION FOR SPECIAL USE PERMIT APPROVAL/AMENDMENT

Date: June 22, 2018

Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Property Owner of Record: 2554 Mt. Moriah LLC Phone #: \_\_\_\_\_  
Mailing Address: 7092 Poplar Avenue City/State: Germantown, TN Zip 38138-2633  
Property Owner E-Mail Address: \_\_\_\_\_  
Applicant: Budget Rent a Car of Memphis Phone # 901-271-5810  
Mailing Address: 2909 Airways Blvd. City/State: Memphis, TN Zip 38132  
Applicant E-Mail Address: Andrewf@budgetmemphis.com  
Representative: SR Consulting, LLC (Cindy Reaves) Phone #: 901-373-0380  
Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134  
Representative E-Mail Address: cindy@srce-memphis.com  
Engineer/Surveyor: SR Consulting, LLC Phone # 901-373-0380  
Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134  
Engineer/Surveyor E-Mail Address: cindy@srce-memphis.com  
Street Address Location: 2554 Mt. Moriah Road  
Distance to nearest intersecting street: 312 feet east of the intersection of Mt. Moriah Road with Mt. Moriah View

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.307</u>	_____	_____
Existing Zoning:	<u>CMU-3</u>	_____	_____
Existing Use of Property	<u>Vacant Building</u>	_____	_____
Requested Use of Property	<u>Vehicle Rental</u>	_____	_____

**Amendment(s):** Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes \_\_\_\_\_ No X

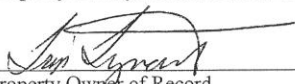
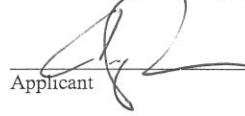
**Unincorporated Areas:** For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: \_\_\_\_\_ Bedrooms: \_\_\_\_\_

Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_

**Variances:** If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

	6/25/18		6/25/18
Property Owner of Record	Date	Applicant	Date
2554 Mt Moriah LLC			
chief mgr			

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: \_\_\_\_\_ with Chip Saliba

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

**Neighborhood Meeting Requirement Met:** Yes \_\_\_\_\_ Not yet X  
(If yes, documentation must be included with application materials)

**SIGN POSTING** – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

**9.6.9 Special Use Permit Approval Criteria**

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).

The project is consistent with the surrounding properties which include several used car facilities. The developer will utilize existing facilities at the site.

- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).

The site layout will be the same as the previous restaurant use.

- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

Adequate facilities exist at the site.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).

No significant or historic features in the vicinity.

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

The site will meet all standards and requirements of a vehicle rental facility.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

The request does not affect the character of the surrounding properties and is consistent with the area.



**LETTER OF INTENT**



Date: June 29, 2018

To: Office of Planning & Development

From: Cindy Reaves

Re: 2554 Mt. Moriah

Job #: 18-0062

**LETTER OF INTENT**

This application is for a Special Use Permit approval for property at 2554 Mt. Moriah located 312 feet east of Mt. Moriah View. This property is within the CMU-3 zoning district and is approximately 1.307 acres in size. We are requesting a Special Use Permit to allow vehicle rental for Budget Rent a Car. The developer will utilize the existing building and parking areas with minor updates to the interior of the building.

We appreciate your support with this request. Please contact me if you have any questions.

**DEED**

Tom Leatherwood, Shelby County Register of Deeds: Instrument # 18037293

**Prepared by**  
**Jeffrey M. Davis**  
**Meyer Capel, A Professional Corporation**  
**306 W. Church Street**  
**Champaign, IL 61820**

**and**  
**after recording return to:**  
Harris Shelton Hanover Walsh, PLLC  
6060 Primacy Parkway, # 100  
Memphis, TN 38119

**SPECIAL WARRANTY DEED**

For the consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, VALENTI MID-SOUTH REALTY, LLC, a Tennessee limited liability company ("Grantor"), does hereby grant, sell and convey unto **2554 Mt. Moriah, LLC** ("Grantee"), whose address is 7092 Poplar Avenue, Germantown, TN 38138, and its successors and assigns forever, the following described real property located in Shelby County, Tennessee, as described in Exhibit "A" attached hereto and incorporated by this reference (the "Property").

TOGETHER WITH all and singular the tenements, hereditaments, easements, rights and appurtenances thereunto belonging or in any way appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right, and interest in and to the Property, as well in law as in equity.

SUBJECT only to those matters set forth on Exhibit "B" attached hereto and incorporated by this reference ("Permitted Exceptions").

Grantor hereby, for itself and its successors and assigns, covenants and agrees with Grantee that Grantor is lawfully seized in fee simple of the Property herein conveyed; that it has good right to sell and convey the same in the manner set forth herein and the Property is free and clear of all liens, claims and encumbrances by and through and under the Grantor, except for the Permitted Exceptions; that Grantor, its successors and assigns shall warrant and defend the same unto Grantee forever against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

Tom Leatherwood, Shelby County Register of Deeds: Instr. # 18037293

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed  
this 16 day of April, 2018.

VALENTI MID-SOUTH REALTY, LLC, a  
Tennessee limited liability company

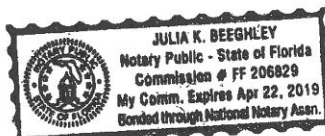
By: Sharon M. Ritch  
Name: Sharon Ritch  
Its: Chief Accounting Officer

State of FLORIDA )  
 ) ss.  
County of HILLSBOROUGH

On 4/16/18 before me personally appeared Sharon Ritch, Chief  
Accounting Officer of Valenti Mid-South Realty, LLC personally known to me (or proved to me  
on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the  
within instrument and acknowledged to me that he/she/they executed the same in his/her/their  
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate  
first above written.

Julia K. Beeghley  
Notary Public for State of Florida  
Residing at Tampa, FL  
My Commission Expires 4/22/19



Tom Leatherwood, Shelby County Register of Deeds: In # 18037293

(FOR RECORDING DATA ONLY)

**Property Address:**  
2554 Mt. Moriah Road  
Memphis, Tennessee

**Property Owner:**  
2554 Mt. Moriah, LLC  
7092 Poplar Avenue  
Germantown, TN 38138

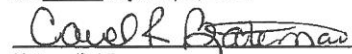
**Ward, Block & Parcel Number:**  
074090 00105C

**Mail tax bills to:**  
2554 Mt. Moriah, LLC  
7092 Poplar Avenue  
Germantown, TN 38138

I, or we, hereby swear or affirm that to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer or value of the property transferred, whichever is greater is **\$200,000.00**, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

  
Affiant

Subscribed and sworn to before me this  
the 17<sup>th</sup> day of April, 2018.

  
Notary Public

My Commission Expires:





Tom Leatherwood, Shelby County Register of Deeds: Instrument # 18037293

**EXHIBIT "A"**  
**To Special Warranty Deed**

**LEGAL DESCRIPTION**

LAND SITUATED IN SHELBY COUNTY, TENNESSEE:

LOT 1 AND 2, MT. MORIAH AND MENDENHALL C-2 SUBDIVISION IN MEMPHIS, TENNESSEE, AS RECORDED IN PLAT BOOK 65, PAGE 63, OF THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE:

BEGINNING AT A CHISEL MARK (FOUND) IN THE NORTH LINE OF THE MT. MORIAH ROAD 471.96 FEET NORTHWESTWARDLY FROM THE CENTER LINE OF MENDENHALL ROAD PRODUCED NORTH, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 2 AND THE SOUTHWEST CORNER OF LOT 3; THENCE NORTH 57 DEGREES 01 MINUTES 15 SECONDS WEST WITH THE NORTH LINE OF THE MT. MORIAH ROAD 148.85 FEET TO A CHISEL MARK (FOUND) AT THE SOUTHWEST CORNER OF LOT 1, SAID POINT BEING THE EASTERLY LINE OF LOT 3, RE-SUBDIVISION OF PERIMETER PARK SUBDIVISION; THENCE NORTH 1 DEGREE 15 MINUTES 48 SECONDS WEST 394.02 FEET TO AN IRON PIN (FOUND) AT THE NORTHWEST CORNER OF LOT 1 OF THE MT. MORIAH AND MENDENHALL C-2 SUBDIVISION AND THE NORTHWEST CORNER OF LOT 3, RE-SUBDIVISION OF PERIMETER PARK SUBDIVISION, SAID POINT BEING IN THE SOUTH LINE OF LOT 2 OF THE RE-SUBDIVISION OF THE PERIMETER PARK SUBDIVISION; THENCE NORTH 87 DEGREES 37 MINUTES 10 SECONDS EAST WITH THE SOUTH LINE OF LOT 2 OF THE RE-SUBDIVISION OF THE PERIMETER PARK SUBDIVISION 136.48 FEET TO AN IRON PIN (FOUND) AT THE NORTHEAST CORNER OF LOT 1 AND THE NORTHWEST CORNER OF LOT 3 OF THE MT. MORIAH AND MENDENHALL C-2 SUBDIVISION; THENCE SOUTH 0 DEGREES 20 MINUTES 05 SECONDS WEST 480.63 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO VALENTI MID-SOUTH REALTY, L.L.C., A TENNESSEE LIMITED LIABILITY COMPANY, BY WARRANTY DEED OF RECORD IN INSTRUMENT JV 3558, IN THE REGISTER'S OFFICE, SHELBY COUNTY, TENNESSEE.

Tom Leatherwood, Shelby County Register of Deeds: Instrument # 18037293

**EXHIBIT "B "**  
**To Special Warranty Deed**

**PERMITTED EXCEPTIONS**

1. City of Memphis and Shelby County taxes for the year 2018, not yet liens, not yet due and payable.
2. Subdivision restrictions, building lines and easements of record in Plat Book 65, Page 63, in the Register's Office of Shelby County, Tennessee.
3. Easement of record in Book 1807 Page 74, Instrument Nos. J4 5276 and DT 7456, all recordings in the aforesaid Register's Office.
4. Any tax or assessment not posted on the records of the taxing authority(ies) of which the land is subject, including but not limited to: Supplemental, Revised and/or Corrected Assessments pursuant to T.C.A. Section 67-5—509 and 67-5-603 et seq.; Back Assessments pursuant to T.C.A. Section 67-1-1001 et seq.; or taxes based on a change in the classification of the land (Roll Back Taxes) pursuant to T.C.A. Section 67-5-1001, et seq.

**Correspondence in Support of the Application: None.**

**Correspondence in Opposition to the Application: None.**